

## 1 HOUSE BILL NO. 198

2 INTRODUCED BY C. EDMUNDS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LATE SEASON DEER AND ELK HUNTING;  
5 GRANTING RULEMAKING AUTHORITY; AND AMENDING SECTION 87-1-304, MCA."

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7 WHEREAS, the 2009 Montana Legislature enacted legislation establishing what is referred to as the  
8 Come Home to Hunt Program; and

9 WHEREAS, many Montanans come home over the Christmas holidays; and

10 WHEREAS, the general elk and deer season is often not sufficient to maintain elk and deer herds within  
11 population management objectives; and12 WHEREAS, Montana is one of only a few states that has no specific season for hunting with  
13 muzzleloading rifles.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16

17 NEW SECTION. **Section 1. Late deer and elk seasons.** (1) The commission may open late deer and  
18 elk seasons between December 15 and January 10 in areas where populations of deer and elk are at or above  
19 management objectives.

20 (2) A late season authorized pursuant to this section is open:

21 (a) December 15 through December 24 only to hunters using a muzzleloading rifle, traditional handgun,  
22 shotgun, bow and arrow, or crossbow; and23 (b) December 25 through January 10 to hunters using any hunting arms authorized in subsection (2)(a)  
24 and any other firearms not prohibited by law or rule.

25 (3) The commission may:

26 (a) declare which licenses may be used for the late season hunt; and

27 (b) authorize the department to issue a limited number of licenses by drawing for an area.

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29 **Section 2.** Section 87-1-304, MCA, is amended to read:30 **"87-1-304. Fixing of seasons and bag and possession limits.** (1) Subject to the provisions of

1 87-5-302, the commission may:

2 (a) fix seasons, bag limits, possession limits, and season limits;

3 (b) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing  
4 animal as defined by 87-2-101;

5 (c) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear,  
6 wild buffalo or bison, and wolf by persons holding an archery stamp and the required license, permit, or tag and  
7 designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat,  
8 mountain lion, bear, wild buffalo or bison, and wolf in those areas;

9 (d) subject to the provisions of 87-1-301(7), restrict areas and species to hunting with only specified  
10 hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and  
11 experiences; ~~and~~

12 (e) open late deer and elk seasons pursuant to [section 1]; and

13 ~~(e)(f)~~ declare areas open to special license holders only and issue special licenses in a limited number  
14 when the commission determines, after proper investigation, that a special season is necessary to ensure the  
15 maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission may  
16 declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are  
17 causing damage to private property or when a written complaint of damage has been filed with the commission  
18 by the owner of that property. In determining to whom special licenses must be issued, the commission may,  
19 when more applications are received than the number of animals to be killed, award permits to those chosen  
20 under a drawing system. The procedures used for awarding the permits from the drawing system must be  
21 determined by the commission.

22 (2) The commission may adopt rules governing the use of livestock and vehicles by archers during  
23 special archery seasons.

24 (3) Subject to the provisions of 87-5-302, the commission may divide the state into fish and game  
25 districts and create fish, game, or fur-bearing animal districts throughout the state. The commission may declare  
26 a closed season for hunting, fishing, or trapping in any of those districts and later may open those districts to  
27 hunting, fishing, or trapping.

28 (4) The commission may declare a closed season on any species of game, fish, game birds, or  
29 fur-bearing animals threatened with undue depletion from any cause. The commission may close any area or  
30 district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited

1 periods of time when necessary to protect a recently stocked area, district, water, spawning waters, spawn-taking  
2 waters, or spawn-taking stations or to prevent the undue depletion of fish, game, fur-bearing animals, game birds,  
3 and nongame birds. The commission may open the area or district upon consent of a majority of the property  
4 owners affected.

5 (5) The commission may authorize the director to open or close any special season upon 12 hours'  
6 notice to the public.

7 (6) The commission may declare certain fishing waters closed to fishing except by persons under 15  
8 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and  
9 enjoyment of juveniles under 15 years of age, at times and in areas the commission in its discretion considers  
10 advisable and consistent with its policies relating to fishing."

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12 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
13 integral part of Title 87, chapter 1, part 3, and the provisions of Title 87, chapter 1, part 3, apply to [section 1].

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